

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 SAN JOSE 002181

SIPDIS

SENSITIVE

WHA/CEN
EB FOR WCRAFT, BMANOGUE
E FOR DEDWARDS
WHA FOR WMIELE
WHA/EPSC FOR KURS, LGUMBINER
H FOR JHAGAN
STATE PASS TO USTR FOR RVARGO, NMOORJANI, AMALITO

E.O. 12958: N/A

TAGS: [ETRD](#) [ECPS](#) [ECON](#) [PREL](#) [PGOV](#) [SOCI](#) [CS](#)

SUBJECT: COMMISSION OF EMINENT PERSONS DELIVERS REPORT ON
CAFTA-DR; CONTENTS NOT YET REVEALED

REF: (A) SAN JOSE 02090

(B) SAN JOSE 02047
(C) SAN JOSE 02037
(D) SAN JOSE 02051
(E) SAN JOSE 02105

11. (U) On September 16, 2005, the five-member Commission of Eminent Persons delivered its final report on the United States-Central American-Dominican Republic Free Trade Agreement (CAFTA-DR) to President Pacheco. According to a Presidential press release of the same day, the only copy of the 66-page report was delivered to President Pacheco so that he could study it in preparation for a meeting with his cabinet on September 20, 2005, after which the Commission members and the President will hold a press conference on the report. None of the five eminent persons nor President Pacheco have made any substantive public comments about the contents of the report. The delivery of the Commission's report culminates 60 days of investigation and interviews related to the text of CAFTA-DR. Via a Presidential press release dated September 9, 2005, President Pacheco expressed his desire to delink fiscal reform from CAFTA-DR (Ref A), thus leaving the Eminent Persons report as the last known remaining obstacle to deciding whether to send the agreement to the Legislative Assembly.

12. (U) The five members of the Commission of Eminent Persons made it very clear that the report makes no recommendations to President Pacheco on whether or not to send CAFTA-DR to the Assembly (Ref B). "We cannot tell the decision-makers what to do. Our job was not to define the future of [CAFTA-DR]. What we did was analyze the text of the document in an attempt to clear up any misconceptions or distortions," said Gabriel Macaya, one of the members of the Commission and ex-Rector of the University of Costa Rica. Another member of the Commission, Rodrigo Gamez, director of the Costa Rican Institute of Biodiversity (INBio) said that the Commission did find some "issues" with the text but would not elaborate more than saying they involved the areas of agriculture, environment, and the issue of Coco Island.

OPPONENTS AND SUPPORTERS VOICE THEIR OPINIONS

13. (U) In advance of the report's completion and after its delivery to President Pacheco, several organizations again voiced their opposition to CAFTA-DR and called for protests. Albino Vargas, President of the approximately 15,000-member National Association of Private and Public Employees (ANEP) continues to threaten protests the moment President Pacheco sends CAFTA-DR to the Assembly. Reportedly, there are groups of public employees, such as the workers of the Costa Rican Institute of Electricity (ICE), the National Water and Sewer Company (AyA), teachers, and university students who are opposed to CAFTA-DR and may take part in protests. However, recent polls reveal that a majority of Costa Ricans are in favor of CAFTA-DR and want President Pacheco to send it to the Assembly to start the relatively long ratification process (Ref C). Supporters of CAFTA-DR have also stated that they would organize demonstrations to urge the President to move forward on CAFTA-DR.

COMMENT

14. (SBU) The decision of whether or not to send CAFTA-DR to the Assembly is now clearly in the hands of President Pacheco, especially since he has removed his self-imposed requirement that the fiscal reform bill be approved prior

to sending the agreement to the Assembly. On Tuesday, September 20, 2005, President Pacheco will discuss the Commission of Eminent Persons report and his intentions with his cabinet and may announce when he plans to deliver the legislation to the Assembly. While we have heard that this could be as early as the end of September 2005 from a number of sources (Ref E), we have also been told that the President may host several public meetings to allow opposition and supporters of CAFTA-DR to air their concerns, which could further delay sending the agreement to the Assembly. Costa Rican security officials' views on the handling of possible protests were discussed in Ref D.

FRISBIE